

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1276 - SB 1315

April 12, 2021

SUMMARY OF ORIGINAL BILL: Enacts the *Tennessee Election Integrity Act* by prohibiting state and county election commissions, election officials, and employees from accepting funding or contributions, including in-kind contributions, for the purpose of conducting an election in this state unless the funding: originates from an approved government budget, appropriation or grant; originates from a nongovernmental entity and is approved by a joint resolution of the General Assembly during session; or originates from a nongovernmental entity and is approved by the Governor, Speakers of the Senate and House of Representatives, Comptroller of the Treasury, and Treasurer if the General Assembly is not in session.

Requires the Secretary of State, members or employees of the state election commission, county election commissioners, and employees of local election commissions to disclose any funding accepted for the purpose of conducting an election in this state from an unapproved source to the Tennessee Ethics Commission.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (007004): Deletes all language after the enacting clause. Effective January 1, 2022, enacts the *Tennessee Election Integrity Act* by requiring all absentee ballots to include an easily discernible watermark approved by the Coordinator of Elections, except absentee ballots authorized by state or federal law to be delivered electronically. Requires absentee ballot counting boards of local county election commissions to reject any absentee ballot without the approved watermark.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures – \$800/FY23-24 and Every Four Years Thereafter

Increase Local Expenditures –

\$400/FY21-22 and Every Four Years Thereafter*

\$10,300/FY22-23 and Every Two Years Thereafter*

Assumptions for the bill as amended:

- According to the Coordinator of Elections and voting system vendors, adding a printed watermark to absentee ballots will cost an additional \$0.05 per ballot.
- In counties holding a May primary election in 2018, there were 7,800 absentee by mail voters.
- A mandatory increase in local expenditures, in FY21-22 and every four years thereafter, beginning with the May 2022 primary elections of \$390 (7,800 x \$0.05).
- The average total number of absentee voters in the August primary and November general elections of 2018 and 2020 was 206,410.
- A mandatory increase in local expenditures, in FY22-23 and every two years thereafter, beginning with the August and November 2022 elections of \$10,321 (206,410 x \$0.05).
- The total number of absentee voters in the March 2020 Presidential Preference Primary (PPP) was 15,335.
- In years with a PPP the state will be responsible for such costs; therefore, in FY23-24 and every four years thereafter, beginning with the March 2024 PPP, an increase in state expenditures of \$767 (15,335 x \$0.05).
- The Coordinator of Elections can approve a printed watermark for absentee ballots within existing resources.
- Absentee ballot counting boards in local county election commissions can approve the printed watermark under the provisions of the proposed legislation within existing resources.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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